

## REPORT

*Of the Committee of Ways and Means, on the petition of Nathaniel Goddard, and others, formerly owners of the ship Ariadne and her cargo, accompanied with a bill for the relief of the owners of the ship Ariadne, &c. &c.*

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February 10, 1818.

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Read, and with the bill, committed to a Committee of the whole House to-morrow.

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The committee of Ways and Means, to whom has been referred the petition of N. Goddard, and others, formerly owners of the ship Ariadne and of her cargo,

## REPORT—

That the facts upon which the decision of Congress will probably depend in this case, appear to be correctly stated in the petition, and confirmed by the documents which accompany it. The Ariadne and her cargo, have been condemned as prize of war, on the ground of her having on board at the time of her capture, a license which secured her from molestation by British cruizers on her voyage to Spain, after the declaration of war in 1812. The object of the petitioners is to procure the remission of the forfeiture which accrues to the United States.

It seems very certain, that the exposure to condemnation on the principles of national law, of a merchant vessel which employed an enemy's license or passport, was not generally admitted by our professors of law, nor known by the legislature when the voyage in question was undertaken. Under such circumstances the petitioners urge that their error was unintentional, and their ignorance venial.

They observe, that subsequent to the capture of the Ariadne, an act prohibiting the use of these licenses was proposed in Congress and rejected; and they might add, that this rejection could not have resulted from an opinion, that the trade was unlawful, without a new expression of the legislative will, because Congress had provided for the case of a trade much more clearly illegal, under an enemy's license to an enemy's port. Where the executive department of the government has the power to remit a forfeiture, it constitutes, in the opinion of the committee, in ordinary cases, an objection to legislative interference; but it would be hard to apply this principle to a case in which (as is stated in the letter of the Secretary of the Treasury which accompanies this report) "it has been determined by the executive authority that relief cannot be granted by the executive department." The Secretary adds, in the same letter, that if the penalty had been within the jurisdiction of the Secretary of the Treasury, it would have been remitted, upon proof of the facts stated in the petition, "upon the principles upon which remission has been ordinarily granted by the department."

The committee submit a bill for the relief of the petitioners.

